

EXHIBIT 4

DECLARATION OF DOUGLAS M. WERMAN

I, Douglas M. Werman, declare and state under penalty of perjury, the following:

1. I am a member in good standing of the Illinois State Bar and am the managing shareholder of Werman Salas P.C.
2. All the facts stated herein are true and correct and are within my personal knowledge.

My Experience

3. I graduated from Loyola University of Chicago's School of Law in 1990. I received my undergraduate degree from the University of Illinois, Champaign-Urbana, in 1987. I was admitted to practice law in the State of Illinois in 1990. During the entire course of my legal practice, I have practiced primarily in the area of labor and employment law. Since 2001, my practice has been highly concentrated in representing employees in cases arising under federal and state wage and hour laws.

4. I am admitted in the following courts:

COURT OF ADMISSION	DATE OF ADMISSION
State of Illinois	11/08/1990
Northern District of Illinois	12/20/1990
Seventh Circuit Court of Appeals	08/05/1994
Western District of Michigan	06/24/1999
Central District of Illinois	03/30/2001
Eastern District of Michigan	03/25/2003
Southern District of Illinois	04/08/2010
Northern District of Indiana	10/25/2010
Second Circuit Court of Appeals	11/21/2013
Eleventh Circuit Court of Appeals	05/06/2015
Western District of New York	07/22/2015
Federal Claims Court	08/13/2015
Southern District of Indiana	11/05/2015
Eastern District of Arkansas	12/04/2015
Tenth Circuit Court of Appeals	04/21/2016
Ninth Circuit Court of Appeals	05/20/2016
District of Colorado	06/06/2017

5. My published cases in the area of wage and hour and employment law exceed 220 decisions and include *Ervin v. OS Rest. Servs.*, 632 F.3d 971 (7th Cir. 2011), the leading appellate decision addressing the propriety of a combined Rule 23 class action and a FLSA collective action under 29 U.S.C. § 216(b).

6. I am a frequent speaker and author on wage and hour matters. Some examples of my speaking engagements are:

National Employment Lawyers Association National Convention, Los Angeles, 2016	Co-Counseling & Cooperating with Other Plaintiffs' Lawyers
National Employment Lawyers Association National Convention, Los Angeles, 2016	Who is an Employer & Who is an Employee?
Federal Bar Association, Chicago Chapter, Moderator, 2016	Enforcement and Litigation Priorities: EEOC, NLRB, DOL
National Employment Lawyers Association National Convention, Washington, D.C., 2015	Settlement Issues in Settling Wage and Hour Class and Collective Actions
American Bar Association, Fair Labor Standards Legislation Committee, Puerto Vallarta, Mexico 2015	Litigation Issues in Wage and Hour Class and Collective Actions
Bridgeport Legal Conferences, Wage and Hour Class Action, Chicago, 2015	Settlement of Wage and Hour Class Actions
Practicing Law Institute, Chicago, 2013, 2014, 2015	FLSA Wage and Hour Update
Chicago Bar Association, Class Litigation Committee, 2011	Current Terrain in Class Action Litigation
Illinois Institute of Continuing Legal Education, 2008	Litigating Class Action Claims
AFL-CIO Lawyers Coordinating Committee, 2008	Arbitrating Wage and Hour Cases

7. I am a member of the Board of Editors of the leading treatise on the Fair Labor Standards Act, entitled, "Kearns, *The Fair Labor Standards Act*," published by Bloomberg BNA in conjunction with the American Bar Association Section of Labor and Employment Law. Before being elevated to the Board of Editors in 2016, I was the Senior Chapter Editor of

Chapter 20 (“Hybrid” FLSA/State Law Actions”) of that same treatise.

8. In 2012, I was a recipient of the Thirteenth Annual Award for Excellence in Pro Bono Service awarded by the United States District Court for the Northern District of Illinois, in conjunction with the Chicago Chapter of the Federal Bar Association.

9. I have been lead counsel in more than seven hundred (700) cases filed in the state and federal courts relating to the recovery of unpaid wages. The majority of these cases proceeded as collective actions under § 216(b) of the FLSA and/or set forth class action claims under Fed. R. Civ. P. 23. These cases, include: *Ortiz v. Manpower, Inc.*, No. 12 C 5248 (N.D. Ill. August 21, 2012) (class comprising over 85,000 employees); *Arrez v. Kelly Services, Inc.*, No. 07 C 1289 (N.D. Ill.) (class action for unpaid wages for over 95,000 employees) and *Polk v. Adecco*, No. 06 CH 13405 (Cook County, Il.)(class action for owed pay for over 36,000 employees); *Romo v. Manpower*, No. 09 C 3429 (N.D. Ill. January 18, 2012); *Robbins v. Blazin Wings, Inc.*, No. 15-CV-6340 CJS, 2016 WL 1068201, at *1 (W.D.N.Y. Mar. 18, 2016)(step one FLSA certification of a collective of 62,000 tipped employees); *Garcia v. JC Penney Corp., Inc.*, No. 12-CV-3687, 2016 WL 878203 (N.D. Ill. Mar. 8, 2016) (class action for owed pay for over 36,000 employees); *Haschak v. Fox & Hound Rest. Grp.*, No. 10 C 8023, 2012 U.S. Dist. 162476, at * 2 (N.D. Ill. Nov. 14, 2012); *Schaefer v. Walker Bros. Enters., Inc.*, No. 10 C 6366, 2012 U.S. Dist. LEXIS 65432, at *4 (N.D. Ill. May 7, 2012); *Kernats v. Comcast Corp. Inc.*, Nos. 09 C 3368 and 09 C 4305, 2010 U.S. Dist. LEXIS 112071 (N.D. Ill. Oct. 20, 2010); *Driver v. AppleIllinois, LLC*, 265 F.R.D. 293, 311 (N.D. Ill. 2010) & *Driver*, No. 06 C 6149, 2012 U.S. Dist. LEXIS 27659, at *15 (N.D. Ill. Mar. 2, 2012) (19,000 tipped employees, decertification denied); *Schmidt v. Smith & Wollensky*, 268 F.R.D. 323 (N.D. Ill. 2010); *Hardaway v. Employbridge of Dallas, et al.*, No. 11 C 3200 (N.D. Ill.); *Williams v. Volt*, No. 10 C 3927 (N.D.

Ill.)(IWPCA class action for owed pay for over 15,000 employees); *Rosales v. Randstad*, No. 09 C 1706 (N.D. Ill.); *Rusin v. Chicago Tribune*, No. 12 C 1135 (N.D. Ill. February 5, 2013); and *Peraza v. Dominick's Finer Foods, LLC*, No. 11 C 8390 (N.D. Ill. November 20, 2012). These and other cases have successfully recovered owed wages for hundreds of thousands of working people.

My Firm's Reasonable Hourly Rates

10. My 2018 current billing rate is \$675/hr.

11. Last year, in 2017, I charged the hourly rate of \$650/hr for my work as a mediator of national wage and hour collective and class actions and individual employment litigation. I most recently charged \$650/hr to mediate a worker's compensation retaliatory discharge case on July 21, 2017. In certain matters I charge a flat rate of \$12,000.00 per day for my mediation services of wage and hour class and collective actions. The flat rate includes preparatory time and time spent in a full day of mediation. The flat rate results in an effective hourly rate in excess of \$650 per hour.

12. In 2017 I also charged the hourly rate of \$650/hr for work I performed as an arbitrator in a wage and hour case pending before the American Arbitration Association.

13. In prior years, Werman Salas had billed the firm's time to hourly paying clients as follows: \$650 for my time, \$550 for Maureen Salas' time, \$450 for Zachary C. Flowerree's time, \$430 for Sarah J. Arendt's time and \$175 for paralegal time.

14. I have been awarded rates detailed above by numerous federal and state courts. For example, in granting a petition for an award of attorney's fees for hours billed in 2015-2017, I was recently awarded the hourly rate of \$650.00 per hour. *Soto v. Wings 'R Us Romeoville, Inc.*, No. 15 C 10127, 2018 WL 1875296, at *5 (N.D. Ill. Apr. 16, 2018); see also *Knox v. Jones Grp.*,

No. 15-CV-1738 SEB-TAB, 2017 WL 3834929, at *4 (S.D. Ind. Aug. 31, 2017) (same); *Sanchez v. Roka Akor Chicago LLC*, No. 14 C 4645, 2017 WL 1425837, at *5-7 (N.D. Ill., Apr. 20, 2017) (same); *Rodgers v. Abbster Enterprises LLC*, No. 3:16-CV-00106-GMG, 2017 WL 4453555, at *3 (N.D.W. Va. Oct. 4, 2017) (same).

My Knowledge of David Fish

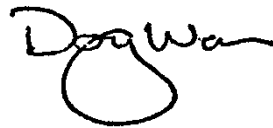
15. I have known David Fish for over five years. I am also familiar with his reputation as a member of the plaintiffs' employment bar. I have co-counseled with Mr. Fish on various legal matters and through the Illinois chapter of the National Employment Lawyers Association.

16. Mr. Fish has extensive experience representing employees and employers in labor and employment disputes.

17. In my professional opinion, the hourly billing rate requested by Mr. Fish for himself and counsel in his firm are at, or below, the reasonable Chicago market for lawyers of their skill and experience. Specifically, Mr. Fish's stated hourly rate of \$410 per hour is reasonable, based on his substantial experience as a successful litigator for more than sixteen years. Billing rates of between \$50 and \$190 for paralegals are also within the market range.

FURTHER AFFIANT SAYETH NOT.

Dated: May 11, 2018



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